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10/710,009

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David J. Batten

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FITZPATRICK CELLA (AMEX)
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

WANG, RONGFA PHILIP

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/710,009	Applicant(s) BATTEN ET AL.	
	Examiner Philip Wang	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2-4, 11, 13, 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detail Action

1. This office action is in response to the application filed on 6/11/2004.
2. Claims 1-20 are pending.

Claim Objections

3. Claims 2-4, 11, 13, and 20 are objected to because of the following informalities:

Claims 2, 4, 11 and 13 recite limitations including acronyms. The full names of acronyms should be clearly spelled out when first showing of the acronyms in the claims.

Claim 3 recites the limitation of "...being configured to defining datastores." It appears it should be verb following the "configured to".

Claim 20 recites the limitation of "scanning production batch schedules to build a test schedule building a test job based on said test schedule;" It appears the limitation should be "scanning production batch schedules to build a test schedule; building a test job based on said test schedule;"

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Art Unit: 2191

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-18 recite the limitation of a system with various features. Such system can be software with various modules with various features corresponding to the recited limitations. Therefore, such system can be software and software is not a statutory subject matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-18, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-18 recite the limitation of "a batch type of said test job". The only location in the Specification mentioning "batch type" is in [0004], "...a job converter configured to convert a batch type of the test job;" It appears there is no clear and precise definition of what a batch type of a test job means in the specification.

Art Unit: 2191

Claim 20 recites the limitation of "building a test job based on said test schedule". It appears there is no disclosure in the specification regarding how to build a test job based on said test schedule. It is not sure how to build a test job based on a schedule. Information available from a schedule is time related. In order to build a test job, it would require more information other than just time.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-9 recite the limitation of "said test job" in "data extract and load process for said test job". Said test job can be either the test job prior to or after the conversion. Claims 10-18 recite the limitation of "unloading and loading said test job", and similarly said test job can be either the test job prior to or the test job after the conversion.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2191

7. Claim 19 is rejected under 35 U.S.C. 102(e) as being anticipated by Jackson et al. (US PGPub. No. 2004/0078692).

As per claim 19,

A method for facilitating the building of a batch test environment, said method including:

- building a test job; building a list of test jobs; ([0022], "...batch files are generated...test execution batch file to execute the selected tests...")
- building a data environment([0022], "...The operating environment batch files...install the specified application..." wherein an operating environment includes a data environment. An application can not operate with a data environment.);
- and, unloading and loading said test job([0023], "... to be loaded to cause the...tests to be executed.").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2191

8. Claims 1, 3, 5, 7-10, 12, 14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US Patent No. 6,430,708) in view of Nagasuka et al. (US Patent No. 6,233,727), and further in view of Cheedella et al. (US Patent No. 7,337,176).

As per claim 1,

Evans discloses

- a batch on-line builder configured to build a test job (C6: 61-67,
"...automated set-up of batch JCL test programs...");

Evans does not specifically disclose

- a job converter configured to convert a batch type of said test job;

However, Nagasuka et al. disclose

- a job converter configured to convert a batch type of said test job (C3: 45-50,
"...converts the original JCP into a new JCP...");

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Nagasuka et al. into the teachings of Evans to include the limitation discloses by Nagasuka et al. The modification would be obvious to one of ordinary skill in the art to want to effectively utilizing the system as suggested by Nagasuka et al. (C2: 18-24, "...effectively and easily use the functions of an OS...").

Evans/ Nagasuka et al. do not specifically disclose

- a master test database configured to facilitate data extract and load process for said test job.

However, Cheedella et al. disclose

- a master test database configured to facilitate data extract and load process for said test job (C6:33-48, "...prepare the data loading tool to

Art Unit: 2191

extract and /or load data from the system database to the test database...").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cheedella et al. into the teachings of Evans/ Nagasuka et al. to include the limitation discloses by Cheedella et al. The modification would be obvious to one of ordinary skill in the art to want to obtain desired data for testing as suggested by Cheedella et al. (C1: 47- 50, "...obtaining the desire data for testing...").

As per claim 3,

the rejection of claim 1 is incorporated;

Cheedella et al. disclose

- wherein said job converter is further configured to convert batch types by being configured to defining datastores(c8:15-20, "...database or datastore employed...").

As per claim 5,

the rejection of claim 1 is incorporated;

Evans/ Nagasuka et al./ Cheedella et al. disclose

- wherein said batch on-line builder is further configured to build test jobs by being configured to build at least one of a data environment and a list of test jobs (Evans -- c6: 61-67, "...automated set-up of batch JCL test programs...";)

Art Unit: 2191

As per claim 7,

the rejection of claim 1 is incorporated;

Cheedella et al. disclose

- wherein said master test database is further configured to store sets of previously created test data (C6:33-48, "...prepare the data loading tool to extract and /or load data from the system database to the test database...").

As per claim 8,

the rejection of claim 1 is incorporated;

Cheedella et al. disclose

- wherein said master test database is further configured to store previously created batch test environments (C6:33-48, "...prepare the data loading tool to extract and /or load data from the system database to the test database...").

As per claim 9,

the rejection of claim 1 is incorporated;

Cheedella et al. disclose

- wherein said master test database is further configured to facilitate unload and load process of a test job by being incorporating a configurable search engine (C6:33-48, "...prepare the data loading tool to extract and /or load data from the system database to the test database...").

Art Unit: 2191

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As per claims 10, 12, 14, 16-18,

- the instant claims are method claims reciting limitation similarly recited in claims 1, 3, 5, 7-9 and is therefore rejected for reasons for rejection of claims, 1, 3, 5, 7-9 respectively.

As per claim 19, it recites limitations included in claim 1 and is rejection for the similar reason in claim 1.

9. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US Patent No. 6,430,708) in view of Nagasuka et al. (US Patent No. 6,233,727), and further in view of Cheedella et al. (US Patent No. 7,337,176) and further in view of Mulligan (US PGPub. No. 2004/0006739).

As per claim 2,

the rejection of claim 1 is incorporated;

Evans/ Nagasuka et al./ Cheedella et al. do not specifically disclose

- wherein said job converter is further configured to convert batch types by being configured to remove restrictions imposed by limited number of IMS regions available for testing.

However, Mulligan discloses

- wherein said job converter is further configured to convert batch types by being configured to remove restrictions imposed by limited number of IMS regions available for testing ([0028], "...IMS...restriction...").

Art Unit: 2191

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mulligan into the teachings of Evans/ Nagasuka et al./ Cheedella et al. to include the limitation discloses by Mulligan. The modification would be obvious to one of ordinary skill in the art to want to avoid restrictions by a system as suggested by Mulligan ([0011]).

As per claim 11,

- It recites similar limitation of claim 2 and is rejection for the same reason as the rejection of claim 2.

10. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US Patent No. 6,430,708) in view of Nagasuka et al. (US Patent No. 6,233,727), and further in view of Cheedella et al. (US Patent No. 7,337,176) and further in view of Smith et al. (US PGPub. No. 2004/0172632).

As per claim 4,

the rejection of claim 1 is incorporated;

Evans/ Nagasuka et al./ Cheedella et al. do not specifically disclose

- wherein said job converter is further configured to convert batch types by being configured to convert BMP to DL1.

However, Smith et al. disclose

- wherein said job converter is further configured to convert batch types by being configured to convert BMP to DL1 (see Fig. 2, 210 and 240, conversion between BMP batch and DL1 batch)

Art Unit: 2191

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mulligan into the teachings of Evans/ Nagasuka et al./ Cheedella et al. to include the limitation discloses by Smith et al.. The modification would be obvious to one of ordinary skill in the art to want to avoid restrictions by a system as suggested by Smith et al. ([0014], "...share critical IMS resources...")

As per claim 13,

- It recites similar limitation of claim 4 and is rejection for the same reason as the rejection of claim 4..

11. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US Patent No. 6,430,708) in view of Nagasuka et al. (US Patent No. 6,233,727), and further in view of Cheedella et al. (US Patent No. 7,337,176) and further in view of Waterston et al. (US PGPub. No. 2003/0055702).

As per claim 6,

the rejection of claim 1 is incorporated;

Evans/ Nagasuka et al./ Cheedella et al. do not specifically disclose

wherein said batch on-line builder is further configured to build test jobs by being configured to scan production batch schedules to build a test schedule.

However, Waterston et al. disclose

Art Unit: 2191

wherein said batch on-line builder is further configured to build test jobs by being configured to scan production batch schedules to build a test schedule(see claim 8, "...).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Mulligan into the teachings of Evans/ Nagasuka et al./ Cheedella et al. to include the limitation discloses by , Waterston et al. The modification would be obvious to one of ordinary skill in the art to want to avoid restrictions by a system as suggested by , Waterston et al. ([0008], "... to have a successful project.")

As per claim 15,

- It recites similar limitation of claim 6 and is rejection for the same reason as the rejection of claim 6.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation [[s]] to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. [[See, MPEP 2123]]

Art Unit: 2191

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191